

Resolution No.: 16-1028  
Introduced: June 30, 2009  
Adopted: June 30, 2009

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

---

By County Council

---

**SUBJECT:** DPWT Docket No. AB693  
Abandonment - Portion of Fox Meadow Lane  
Bradley Farms Subdivision, Potomac, Maryland

**Background**

1. By letter dated November 21, 2006, from Chen, Walsh, Tecler & McCabe on behalf of its clients, Mr. and Mrs. John Maier, the Applicants, application to the County was made to abandon a portion of an unimproved portion of Fox Meadow Lane in the Bradley Farms Subdivision in Potomac consisting of approximately 600 feet long within a 60-foot wide right-of-way along the Maier's property plus an approximately 300 feet long area within a generally 30-foot wide right-of-way east of Applicants' property as shown on Attachment No. 1.
2. A Public Hearing to consider the abandonment proposal was held on January 7, 2008, by the designee of the County Executive.
3. Washington Gas objected unless granted an easement for its facilities.
4. Washington Suburban Sanitary Commission did not respond within 60 days and concurrence is presumed.
5. VERIZON objected unless granted an easement for its facilities.
6. The Montgomery County Planning Board recommended approval conditioned upon the Applicants recording a plat redefining Part of Lot 14 and Lot 6 in Block 7 and Lot 2 and Part of Lot 1 in Block 8 to ensure that the abandonment creates no landlocked parcels.
7. The Department of Public Works and Transportation (now Department of Transportation) recommended approval conditioned upon the Applicants  
a) granting easements for County storm drains and public utilities, if any, or at Applicants' expense relocating these facilities and granting easements,  
b) providing a compliant termination of Fox Meadow Lane if necessary, and

- c) recording a new record plat incorporating the entire unimproved right-of-way into adjoining properties and either provide an access for unimproved Lot Pt. 1 in Block 8 or incorporate the Lot into the adjoining Lot 2 in Block 8.
8. The Department of Fire and Rescue Services recommended approval conditioned upon either maintaining an access to an unimproved lot or the unimproved lot being included in the adjoining improved lot by way of re-subdivision.
  9. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
  10. PEPCO objected unless granted an easement for its facilities.
  11. The County Executive recommends approval of the proposed abandonment.

### Action

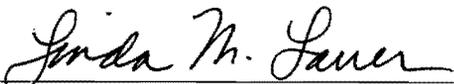
The County Council for Montgomery County, Maryland, finds that the portion of Fox Meadow Lane proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment, subject to the following conditions:

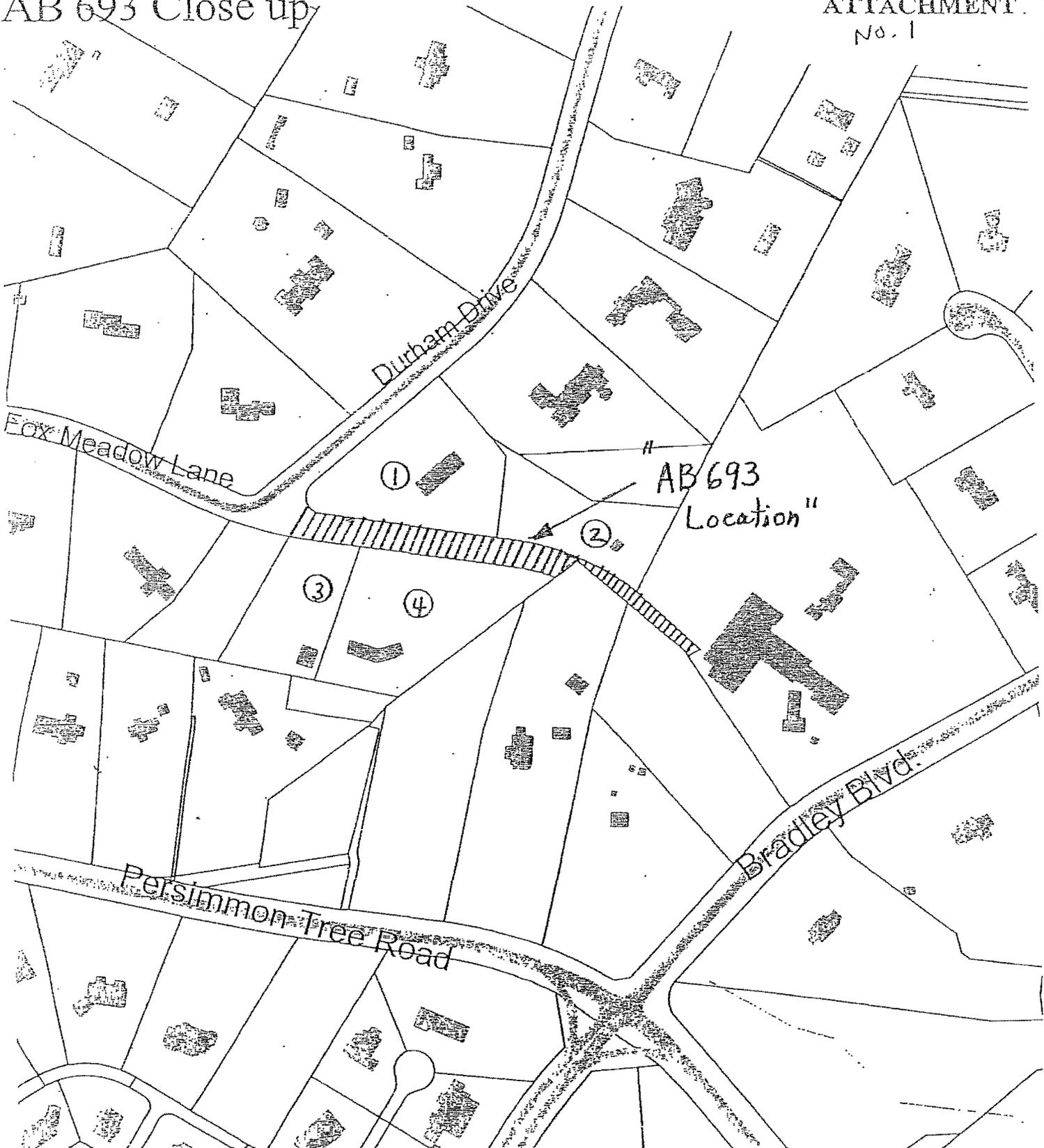
1. The area proposed for abandonment must be subject to permanent and perpetual public improvement easements sufficient in form and substance to allow for the current and future placement, maintenance and repair of utilities and drainage, the form and substance of which must be approved by the Office of the County Attorney for Montgomery County, Maryland.
2. The Applicants must prepare the public improvement easement and cause it to be duly executed by all necessary owners, mortgagees and lienholders of record and to be recorded in the Land Records for Montgomery County, Maryland prior to the proposed abandonment taking effect.
3. Applicants must prepare for signature by the property owners plats redefining Part of Lot 14 and Lot 6 in Block 7 and Lot 2 and Part of Lot 1 in Block 8 to ensure that the abandonment creates no landlocked parcels, which plats must also incorporate the area to be abandoned from the center line of the abandonment area into each of the adjacent properties in accordance with the requirements of Montgomery County Code Section 49-65(d). The plats must be subject to the public improvement easements, contain signatures of all necessary owners, mortgagees and lienholders of record and be recorded by the Applicants.
4. If a turn-around at the new terminus of Fox Meadow Lane is required by the Department of Transportation or the Department of Fire and Rescue Services, the Applicants must provide a compliant turn-around at their expense.

5. The Applicants must bear all costs for the preparation and recordation of all necessary legal documents and plats.
6. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.
7. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

Attachment No. 1: Map

This is a correct copy of Council Action.

  
\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council



Compiled On 12-13-2007 at 03:46 PM  
 Scale: 1 inch = 300 feet or 1:3600

0 300 Feet

The Maryland-National Capital Park and Planning Commission  
 Montgomery County Department of Park and Planning  
 Transportation Planning Unit  
 8787 Georgia Avenue | Silver Spring, Maryland 20910  
 301.495.4525 voice | 301.495.1302 fax | <http://www.mc-mncppc.org>

- Streams
- Street Pavement
- Buildings
- All Parks
- Property
- Municipalities
- Montgomery County

**NOTICE**  
 The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning at the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from MNCPPC.

Property lines are compiled by adjusting the property lines to topography revealed from aerial photography and should not be interpreted as actual land coverage. Planimetric features were compiled from 1:12,000 scale aerial photography using stereo photographic methods. All planimetric and property-based features are collected at 1:2400 scale and are at the 2.0 foot of their true location.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. This map may not be the same as a map of the same area plotted at an earlier time as the data are continuously updated. Use of this map, other than for general planning purposes, is not recommended. Copyright 2007.

